

Memorandum



Date: July 11, 2006

CEERC

Agenda Item No. 5 (A)

To: Honorable Chairman Joe A. Martinez and
Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Authorization for County staff to consider unsolicited development proposals from the Business Assistance Center (BAC), Operation Turnaround in Action CDC, Corp., Urgent, Inc., and Neighborhood Housing Services, Inc., and to impose a temporary moratorium on the consideration of any other unsolicited proposals

RECOMMENDATION

It is recommended that the Board of County Commissioners (the Board) authorize staff to consider four separate, unsolicited proposals recently received from not-for-profit community-based organizations – the 1) Business Assistance Center (BAC), 2) Operation Turnaround in Action CDC, Corp., 3) Urgent, Inc., and 4) Neighborhood Housing Services, Inc. – each of which proposes to acquire certain tracts of County-owned property pursuant to Section 125.38 of the Florida Statutes (see attached list) on which to develop affordable/workforce housing and other compatible uses; and to enter into non-binding negotiations with the proposer(s) if any of the proposals are deemed by staff to be in the County's best interest. It is further recommended that the Board impose a moratorium on the consideration of other such unsolicited development proposals until such time as a comprehensive policy and process has been approved by the Board to govern the development of County property by private interests.

BACKGROUND

At your June 6, 2006 meeting, staff presented a comprehensive report on the status of the Infill Housing Initiative Program and the County's affordable housing efforts, together with preliminary recommendations for change. In that report, staff expressed concern over the growing practice of private developers seeking to bypass normal competitive bidding practices by submitting unsolicited proposals to acquire and develop County land. As the need for affordable and workforce housing in Miami-Dade County increases, and the supply of available land diminishes, such proposals will become even more attractive.

Indeed, unsolicited proposals can enable the County to take advantage of those unique opportunities when innovative thinking, resources, and market conditions all combine to make a particular project viable. One such example is the Civic Center and Marine Redevelopment Project, which came to the County as an unsolicited proposal, and will be presented to the Board for consideration under a separate item. If it comes to fruition, that project would result in a major redevelopment of land along the Miami River in the Civic Center area, and would address several key County priorities such as, increasing the stock of affordable, workforce, and elderly housing; job creation; river walk development; additional offices for the court system; and additional parking. Notwithstanding the potential positive impact of the above-described project, not every unsolicited proposal is as well justified, and it seems clear that the unsolicited proposal should be the exception rather than the rule.

Among the other concerns expressed in the June 6th housing report to the Board was the recognition that the program lacked consistent policies and processes to guide its activities. Toward that end, staff is currently developing a comprehensive administrative order that will be presented to the Board following the summer recess. The policies and procedures to be included in that administrative

order are being developed with input from County real estate, housing, regulatory, and legal staff, as well as from private sector real estate, construction and housing professionals. Among the areas to be addressed is the creation of a fixed policy and process to govern how surplus County property can best be utilized and made available for housing and/or economic development. While it is likely that room will be left for the consideration of unsolicited proposals, the preference will be to institute workable competitive processes that will limit the need for unsolicited proposals, while expanding the opportunity, interest, and competitive value of County land.

Independent from staff's effort is the work of the Miami-Dade Community Affordable Housing Strategies Alliance (CAHSA) Taskforce. Established by the Board in May 2006, CAHSA is tasked with evaluating the affordable housing crisis in Miami-Dade County, and developing innovative solutions, including legislation and regulation to address the affordable housing problem. CAHSA is to provide the Board with a preliminary report of its findings by October 31st, with a final report by April 30, 2007.

JUSTIFICATION

In the interim, while these policy-making efforts are underway, we continue to receive serious proposals from responsible parties that appear to have the potential to significantly increase the availability of affordable and workforce housing in Miami-Dade County. In order to continue to build on the momentum created by recent changes to the infill and affordable housing programs, it is critical to take decisive action, even in advance of developing permanent policy and procedures.

Each of the four entities that have submitted proposals is a credible not-for-profit community based organization, either in its own right or on the basis of the makeup of its development team. As with the Civic Center/Marine Redevelopment Project, these proposals appear to be well-reasoned, and yet, bold in their objectives. All include substantial affordable, workforce, and/or elderly housing components, in line with prior directives from this Board, and likely consistent with any policy outcomes from the ongoing work of staff and CAHSA.

If this item is approved, staff will commence a detailed review of the four identified proposals, which will entail more intensive meetings with the proposer(s), as well as the receipt and review of more detailed information on the makeup of the respective development teams, development concept for the site, type and timing of development, financial plan and resources, community impact, and zoning and regulatory issues, among other factors. It is paramount to note that this Board authorization is non-binding, and that the proposer(s) will gain no rights by these authorizations. Staff is free to terminate consideration of any or all of these proposals at any point, should it be deemed appropriate.

Should staff, as a result of its analyses, conclude that it is in the County's best interest to pursue any of these proposals, action items will be brought back to the Board, in one of two forms:

- (1) A report as to whether negotiations are warranted.
- (2) A proposed Development Agreement and/or Conveyance of Title, as might be the case if the County parcels to be conveyed are single lots or the proposed development does not warrant the lengthier process.

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Florida Statutes 125.38 and Administrative Order No. 8-4 permit not-for-profit entities to apply to the Board for the conveyance or lease of County-owned property. To comply with the requirements of the statute, the not-for-profit should desire the property be for public or community interest and welfare. If the Board determines that such property is required for the proposed use and is not needed by the County, then the Board may authorize the conveyance or lease of the property without a competitive bidding process at a price that is nominal or otherwise, regardless of the actual value of the property.

Finally, given the ongoing efforts of staff to review and recommend policy for the overall housing development process, it is recommended that the Board authorize a moratorium against considering any additional unsolicited proposals until such time as the above-described policies and procedures have been finalized and accepted by the Board. As a result, the recommended moratorium is of limited duration, but will provide both staff and the Board with a much-needed window within which to establish policy to guide future uses of County property.

A handwritten signature in black ink, appearing to read "Cynthia W. Curry". The signature is fluid and cursive, with the first name "Cynthia" being more prominent.

Cynthia W. Curry
Senior Advisor to the County Manager

Unsolicited Proposals for Affordable Housing Projects

| No. | Not-For-Profit Developer | Folio Number | Address | Zoning | Commission District | Size |
|-----|--|-----------------------|---|-----------------------|------------------------|-----------------------|
| 1 | Business Assistance Center (BAC) | 30-3116-000-0050 | 6600 NW 27 Avenue | GU (Unzoned) | 2 | 5 acres |
| 2 | Operation Turnaround In Action | Various small parcels | Between NW 17 Avenue and 22 Avenue and Between NW 62 Street and 77 Street | Various | 2 | (less than 1 acre) |
| 3 | Urgent, Inc. | 34-2108-007-0011 | NW 183 Street and 37 Avenue | RU-1 (residential) | 1 | 4.98 acres |
| 4 | Neighborhood Housing Services, Inc. | 30-5010-007-0600 | 7975 SW 112 Street | EU-1 (residential) | 8 | 1 acre |

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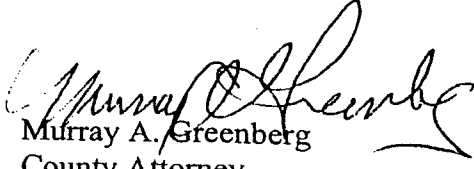


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: September 12, 2006

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
9-12-06

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO CONSIDER UNSOLICITED DEVELOPMENT PROPOSALS FROM NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATIONS THAT INCLUDE THE BUSINESS ASSISTANCE CENTER (BAC), OPERATION TURNAROUND IN ACTION CDC, CORP., URGENT, INC., AND NEIGHBORHOOD HOUSING SERVICES, INC., FOR THE PURPOSE OF ACQUIRING COUNTY-OWNED PROPERTY PURSUANT TO SECTION 125.38 OF THE FLORIDA STATUTES ON WHICH TO DEVELOP AFFORDABLE/WORKFORCE HOUSING AND OTHER COMPATIBLE USES; AND FOR ANY OF THE PROPOSALS DEEMED BY STAFF TO BE IN THE COUNTY'S BEST INTEREST, TO ENTER INTO NON-BINDING NEGOTIATIONS WITH THE PROPOSER(S) FOR THE DEVELOPMENT OF SAID LAND; AND AUTHORIZING A MORATORIUM ON THE CONSIDERATION OF OTHER SUCH UNSOLICITED PROPOSALS UNTIL SUCH TIME AS A COMPREHENSIVE POLICY AND PROCESS HAS BEEN APPROVED BY THE BOARD TO GOVERN THE DEVELOPMENT OF COUNTY PROPERTY BY PRIVATE INTERESTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Manager to consider unsolicited development proposals from the following not-for-profit community-based organizations: the Business Assistance Center (BAC), Operation Turnaround in Action CDC, Corp., Urgent, Inc., and Neighborhood Housing Services, Inc., for

the purpose of acquiring County-owned property pursuant to Section 125.38 of the Florida Statutes on which to develop affordable/workforce housing and other compatible uses; and for any of the proposals deemed by staff to be in the County's best interest, to enter into non-binding negotiations with the Proposer(s) for the development of said land and take all other necessary steps as outlined in the accompanying memorandum; authorizes a moratorium on the consideration of other such unsolicited proposals until such time as a comprehensive policy and process has been approved by the Board to govern the development of County property by private interest; and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey M. Edmonson
Sally A. Heyman
Dorrian D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 12th day of September, 2006. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith